

Summary
Law on Nationality

The Assembly of the Republic hereby decrees, in accordance with Article 167 and Article 169(2) of the Constitution:

(Law on Nationality)

TITLE I
Assignment, acquisition and loss of nationality

CHAPTER I
Assignment of nationality

Article 1
Birthright Acquisition of Nationality

1. Portuguese of origin are:
 - a) Children of Portuguese mother or father born in the Portuguese territory;
 - b) Children of Portuguese mother or father born abroad if the Portuguese parent is there at the service of the Portuguese State;
 - c) Children of Portuguese mother or father born abroad if their birth is registered in the Portuguese civil registry or if they state that they wish to be Portuguese;
 - d) Individuals born abroad with at least one 2nd-degree ascendant of Portuguese nationality in straight line who has not lost this nationality, if they state that they wish to be Portuguese, have bonds of effective connection to the national community and, having met requirements, register their birth in the Portuguese civil registry;
 - e) Individuals born in the Portuguese territory, children of foreigners, if at least one of the parents was also born here and has residence here, regardless of title, at the time of birth;
 - f) Individuals born in the Portuguese territory, children of foreigners who are not at the service of their state, who do not state that they do not wish to be Portuguese, provided that, at the time of birth, one of the parents has legally resided here for at least two years;
 - g) Individuals born in the Portuguese territory and who have no other nationality.
2. New-borns who have been exposed here are presumed to be born in the Portuguese territory, unless proven otherwise.
3. Verification of the existence of bonds of effective connection to the national community for the purposes set out in paragraph d) of paragraph 1 implies recognition by the Government of the relevance of such bonds, namely by sufficient knowledge of the Portuguese language and the existence of regular contacts with the Portuguese territory, and depends on non-conviction, in a final sentence, for practicing crimes punishable with imprisonment of up to 3 years or more, according to Portuguese law.
4. Proof of legal residence as referred to in point (f) of paragraph 1 shall be made upon display of the competent identification document of the father or mother at the time of registration.

Contains changes to the following laws:

- Law No. 25/94, of 19/08
- Organic Law No. 2/2006, of 17/04
- Organic Law No. 9/2015, of 29/07
- Organic Law No. 2/2018, of 05/07

See earlier versions of this article:

- 1st Version: Law No. 37/81, of 03/10
- 2nd Version: Law No. 25/94, of 19/08
- 3rd Version: Organic Law No. 2/2006, of 17/04
- 4th Version: Organic Law No. 9/2015, of 29/07

CHAPTER II

Acquisition of nationality

SECTION I

Acquisition of nationality by effect of will

Article 2

Acquisition by underage or disabled children

Underage or disabled children of father or mother who acquire Portuguese nationality may also acquire it, upon statement.

Article 3

Acquisition in case of marriage or civil partnership

1. A foreigner married for more than three years to a Portuguese national can acquire Portuguese nationality by means of a statement made in the marriage registry.
2. A statement of invalidity or annulment of the marriage does not hinder the nationality acquired by the spouse who married in good faith.
3. A foreigner who, on the date of the Statement, has lived in civil partnership for more than three years with a Portuguese national can acquire Portuguese nationality, after the act of acknowledgment of this situation brought to a civil court.

Contains changes to the following laws:

- Law No. 25/94, of 19/08
- Organic Law No. 2/2006, of 17/04

See earlier versions of this article:

- 1st Version: Law No. 37/81, of 03/10
- 2nd Version: Law No. 25/94, of 19/08

Article 4

Statement after acquisition of capacity

Those who have lost Portuguese nationality by the effect of a statement provided during their inability may acquire it, when able, by means of a statement.

SECTION II

Acquisition of nationality by adoption

Article 5

Acquisition by adoption

One who is adopted by a Portuguese national acquires Portuguese nationality.

Contains changes to the following laws:

- Organic Law No. 2/2018, of 05/07

See earlier versions of this article:

- 1st Version: Law No. 37/81, of 03/10

SECTION III
Acquisition of nationality by naturalisation

Article 6
Requirements

1. The Government grants Portuguese nationality, by naturalisation, to foreigners who cumulatively meet the following requirements:
 - a) They are of age or emancipated under Portuguese law;
 - b) Legally residing in the Portuguese territory for at least five years;
 - c) Know the Portuguese language sufficiently;
 - d) Have not been convicted, with a final sentence of imprisonment equal to or greater than 3 years;
 - e) Do not constitute a danger or threat to security or national defence due to their involvement in activities related to the practice of terrorism, in accordance with the respective law.
2. The Government grants nationality, by naturalisation, to minors, born in the Portuguese territory, children of foreigners, provided that they meet the requirements of points (c), (d) and e) of the preceding paragraph and provided that, at the time of application, one of the following conditions is fulfilled:
 - a) One of the parents has had residence here, regardless of title, for at least five years immediately preceding the request;
 - b) The minor has completed at least one primary or secondary school cycle here.
3. In the case of a child or youth under the age of 18, received in a public, cooperative, social or private institution with a cooperation agreement with the State, following a measure of promotion and definitive protection applied in the process of promotion and protection, under article 72(3) of the Law on the Protection of Children and Youths in Danger, approved as an annex to Law No. 147/99 of September 1st, the Public Prosecutor's Office shall promote their naturalisation process with exemption from the conditions referred to in the preceding paragraph.
4. The Government grants naturalisation, with exemption from the requirements laid down in paragraph 1(b) and (c), to individuals who have had Portuguese nationality and who, having lost it, have never acquired another nationality.
5. The Government grants nationality, by naturalisation, with exemption from the requirement set out in paragraph 1(b), to individuals who cumulatively meet the following requirements:
 - a) They were born in the Portuguese territory;
 - b) Are the children of foreigners who had their residence here, regardless of title, at the time of their birth;
 - c) Have resided here, regardless of title, for at least five years.
6. The Government may grant naturalisation, with exemption from the requirements set out in points (b) and (c) of paragraph 1, to individuals who, while not stateless, have had Portuguese nationality, to those who are descended from Portuguese, to members of communities of Portuguese ancestry and foreigners who have provided or are called upon to provide relevant services to the Portuguese State or the national community.
7. The Government may grant nationality by naturalisation, with exemption from the requirements laid down in points (b) and (c) of paragraph 1, to the descendants of Portuguese Sephardic Jews, upon demonstration of the tradition of belonging to a Sephardic community of Portuguese origin, based on proven objective requirements of connection to Portugal, namely surnames, family language, direct or collateral descendancy.
8. The Government may grant nationality by naturalisation, with exemption from the requirement set out in point (b) of paragraph 1, to individuals who are ascendants of original Portuguese nationals, have had residence here, regardless of title, for at least five years immediately preceding the application and provided that the ancestry has been established at the time of birth of the Portuguese citizen.
9. Knowledge of the Portuguese language as referred to in point (c) of paragraph 1 shall be presumed to exist for applicants who are natives or nationals of Portuguese-speaking countries.
10. Proof of the absence of conviction, in a final judgment, with imprisonment equal to or greater than 3 years as referred to in point (d) of paragraph 1 is made by displaying criminal record certificates issued:
 - a) By the competent Portuguese services;
 - b) By the competent services of the country of birth, the country of nationality and the countries where one has resided, provided that one has been a resident after reaching the age of criminal liability.

Contains changes to the following laws:

- Law No. 25/94, of 19/08

- Organic Law No. 2/2006, of 17/04

- Law No. 43/2013, of 03/07
- Organic Law No. 1/2013, of 29/07
- Organic Law No. 8/2015, of 22/06
- Organic Law No. 9/2015, of 29/07
- Organic Law No. 2/2018, of 05/07

See earlier versions of this article:

- 1st Version: Law No. 37/81, of 03/10
- 2nd version: Law No. 25/94, of 19/08
- 3rd Version: Organic Law No. 2/2006, of 17/04
- 4th Version: Law No. 43/2012, of 03/07
- 5th Version: Organic Law No. 1/2013, of 29/07
- 6th Version: Organic Law No. 8/2015, of 22/06
- 7th Version: Organic Law No. 9/2015, of 29/07

Article 7 Process

1. Naturalisation is granted, at the request of the person concerned, by decision of the Minister of Justice.
2. The naturalisation process and documents required thereby are not subject to the provisions of the Stamp Duty Code.

Contains changes to the following laws:

- Law No. 25/94, of 19/08
- Organic Law No. 2/2006, of 17/04

See earlier versions of this article:

- 1st Version: Law No. 37/81, of 03/10
- 2nd version: Law No. 25/94, of 19/08

CHAPTER III Loss of nationality

Article 8

Statement on the Loss of nationality

Those that, being nationals of another State, declare that they do not want to be Portuguese lose their Portuguese nationality.

CHAPTER IV Objection to the acquisition of nationality by effect of will

Article 9 Grounds

1. The following are grounds for objection to the acquisition of Portuguese nationality by effect of will:
 - a) Lack of effective connection to the national community;
 - b) Conviction, in a final sentence, with imprisonment equal to or greater than 3 years;
 - c) Performance of public functions without a predominantly technical nature or provision of non-compulsory military service to a foreign State;
 - d) Existence of danger or threat to national security or defence, due to their involvement in activities related with the practice of terrorism in accordance with the respective law.
2. Objection to the acquisition of nationality on the basis of point a) of the preceding paragraph shall not apply to situations of acquisition of nationality in case of marriage or civil partnership when there are common children of the couple with Portuguese nationality.
3. The provisions of article 6(10) shall apply to proof of inexistence of the conviction referred to in point b) of paragraph 1.

Contains changes to the following laws:

- Law No. 25/94, of 19/08
- Organic Law No. 2/2006, of 17/04
- Organic Law No. 8/2015, of 22/06
- Organic Law No. 2/2018, of 05/07

See earlier versions of this article:

- 1st Version: Law No. 37/81, of 03/10
- 2nd Version: Law No. 25/94, of 19/08
- 3rd Version: Organic Law No. 2/2006, of 17/04
- 4th Version: Organic Law No. 8/2015, of 22/06

Public Prosecutor guidelines

1. Judgment of the SAC no. 3/2016, of 16.06.2016 – Standardisation of Case Law. Summary: in the administrative procedure to object the acquisition of Portuguese nationality, to be brought under the provisions of Arts. 9(a) and 10 of Law No. 37/81, of October 3rd [Law on Nationality] in the wording given by Organic Law No. 2/2006, of April 17th, the Public Prosecutor's Office is responsible for the burden of proof of the grounds for lack of effective connection to the national community.

Case Law

1. Judgment no. 331/2016 of 14/06 of the Constitutional Court: deems unconstitutional the norm drawn from article 9(b) of the Law on Nationality, approved by Law No. 37/81, of October 3rd, in the wording given by Organic Law No. 2/2006 of April 17th and article 56 (2) (b) of the Portuguese Nationality Regulation, approved by Decree-Law No. 237-A/2006, of December 14th, according to which conviction, in a final sentence, for practicing a crime punishable with imprisonment of up to 3 years or more, according to Portuguese law, when the mechanism for the termination of sentence is enforced, constitutes grounds for objection to acquisition of Portuguese nationality.

Mandatory Case Law

1. Judgment of the SAC No. 4/2016 of September 30th: in the administrative procedure to object to the acquisition of Portuguese nationality, to be brought under articles 9(a) and 10 of Law No. 37/81 of October 3rd [Law on Nationality] in the wording given by Organic Law No. 2/2006 of April 17th, the Public Prosecutor's Office is responsible for the burden of proof of the grounds for lack of effective connection to the national community.
2. Judgment of the SAC No. 7/2017, of 16-11: Judgment of the SAC of 21-09-2017, in case No. 567/17. It standardises/confirms the case law of the SAC, in the following terms: Only a final conviction can prevent acquisition of nationality. If the conviction had not been given on the date when the Public Prosecutor brought the objection to the acquisition of nationality, and was at the time a mere circumstance of uncertain and possible future verification, objection to the acquisition of nationality on the basis laid down in point (b) of article 9 of the Law on Nationality would always have to be dismissed and the regime for suspending the proceedings referred to in paragraph 1 of art. 272 of the Civil procedure Code should not be applied.

Article 10 Procedure

1. Objection is brought by the Public Prosecutor's Office within one year of the date of the fact that the acquisition of nationality depends on, in proceedings to be brought in accordance with article 26.
2. It is mandatory for all authorities to report to the Public Prosecutor's Office the facts referred to in the preceding article.

Contains changes to the following laws:

- Organic Law No. 2/2006, of 17/04

See earlier versions of this article:

- 1st Version: Law No. 37/81, of 03/10

Mandatory Case Law

1. Judgment of the SAC No. 3/2016, of 16.06.2016 – Standardisation of Case Law. Summary: in the administrative procedure to object to the acquisition of Portuguese nationality, to be brought under the provisions of Arts. 9(a)

and 10 of Law No. 37/81, of October 3rd [Law on Nationality] in the wording given to it by Organic Law No. 2/2006, of April 17th, the Public Prosecutor's Office is responsible for the burden of proof of the grounds for lack of effective connection to the national community.

2. Judgment of the SAC No. 4/2016 of September 30th: in the administrative procedure to object to the acquisition of Portuguese nationality, to be brought under articles 9(a) and 10 of Law No. 37/81 of October 3rd [Law on Nationality] in the wording given by Organic Law No. 2/2006 of April 17th, the Public Prosecutor's Office is responsible for the burden of proof of the grounds for lack of effective connection to the national community.

CHAPTER V

Effects of assignment, acquisition and loss of nationality

Article 11

Effects of assignment

Assignment of Portuguese nationality takes effect from birth, without prejudice to the validity of the legal relations previously established on the basis of another nationality.

Article 12

Effects of changes in nationality

The effects of changes in nationality take effect only from the date of registration of the acts or facts that they depend on.

Article 12A

Nullity

1. An act determining the assignment, acquisition or loss of Portuguese nationality is null and void if based on documents that are false or that prove false or non-existent facts, or on false statements.
2. The provisions of the preceding paragraph shall not apply where the statement of invalidity renders the interested party stateless.

Added by the following law: Organic Law No. 2/2018, of July 5th

Article 12B

Consolidation of nationality

1. Ownership in good faith of Portuguese nationality, original or acquired for at least 10 years, is the cause of consolidation of nationality, even if the act or fact that results in its assignment or acquisition is challenged.
2. In cases of assignment of nationality, the period referred to in the preceding paragraph shall be counted from the date of the birth certificate, if the identification as a Portuguese citizen derives from registration, or from the date of issuance of the first document of identification as a national citizen, if the identification as a Portuguese citizen derives from the document issued.
3. In cases of acquisition of nationality, the period referred to in paragraph 1 shall be counted from:
 - a) The date of registration of nationality, in cases of acquisition by effect of will, by adoption or by naturalisation;
 - b) The date of the fact that the acquisition depends on, in cases of acquisition by the effect of the law;
 - c) The date of issue of the first identification document, in the other cases.

Added by the following law: Organic Law No. 2/2018, of July 5th

CHAPTER VI

General provisions

Article 13 Suspension of procedures

1. The procedure for the acquisition of Portuguese nationality by effect of will, by adoption or by naturalisation shall be suspended during a period of five years from the date of issuance of a final judgment sentencing the person concerned for a crime provided in Portuguese law and to penalties which, in isolation or cumulatively, exceed 1 year in prison.
2. The suspension provided for in the preceding paragraph entails suspension of the time limit referred to in article 10(1).
3. Acts committed in breach of paragraph 1 are null and void.

Contains changes to the following laws:

- Law No. 25/94, of 19/08
- Organic Law No. 2/2006, of 17/04

See earlier versions of this article:

- 1st Version: Law No. 37/81, of 03/10
- 2nd Version: Law No. 25/94, of 19/08

Article 14

Effects of the establishment of affiliation

Only affiliation established during minority has effects on nationality.

Article 15 Residence

1. For the purposes of the preceding articles, it is understood that individuals legally residing in the Portuguese territory are those who may be found therein, with their situation settled before the Portuguese authorities, under any of the titles, visas or permits provided for in the arrangements for entry, stay, exit and removal of foreigners and in the asylum regime.
2. The provisions of the preceding paragraph shall not hinder the special legal residency schemes resulting from treaties or conventions that Portugal is party to, in particular within the European Union and the Community of Portuguese-speaking Countries.
3. For the purposes of counting the legal residence periods provided for in this law, the sum of all periods of legal residence in the national territory, continuous or interpolated, will be considered, as long as they took place within a maximum period of 15 years.
4. Also deemed to be legally residing in the Portuguese territory are children and youths that were born to foreigners and are hosted in a public, cooperative, social or private institution with a cooperation agreement with the State, following a process of promotion and protection.

Contains changes to the following laws:

- Law No. 25/94, of 19/08
- Organic Law No. 2/2006, of 17/04
- Organic Law No. 2/2018, of 05/07

See earlier versions of this article:

- 1st Version: Law No. 37/81, of 03/10
- 2nd version: Law No. 25/94, of 19/08
- 3rd Version: Organic Law No. 2/2006, of 17/04

TITLE II

Registration, proof and litigation of nationality

CHAPTER I

Central registry of nationality

Article 16

Central registry of nationality

Statements that the assignment, acquisition or loss of Portuguese nationality depends on must be included in the central registry of nationality, under the responsibility of the Central Registration Office.

Article 17

Statements before diplomatic or consular agents

Statements of nationality may be submitted to Portuguese diplomatic or consular agents and, in this case, are registered on their own motion with the required supporting documents, to be sent to the Central Registration Office.

Article 18

Acts subject to compulsory registration

1. Registration is mandatory:
 - a) Of Statements for assignment of nationality;
 - b) Of Statements for acquisition or loss of nationality;
 - c) Naturalisation of foreigners.

2. (Revoked.)

Contains changes to the following laws:

- Organic Law No. 2/2006, of 17/04

See earlier versions of this article:

- 1st Version: Law No. 37/81, of 03/10

Article 19

Nationality registration

Registration of the act that entails assignment, acquisition or loss of nationality is either by minute or by endorsement.

Contains changes to the following laws:

- Organic Law No. 2/2006, of 17/04

See earlier versions of this article:

- 1st Version: Law No. 37/81, of 03/10

Article 20

Free Registrations

(Revoked.)

Contains changes to the following laws:

- DL No. 322-A/2001, 14/12

See earlier versions of this article:

- 1st Version: Law No. 37/81, of 03/10

CHAPTER II
Proof of nationality

Article 21

Proof of birthright acquisition of nationality

1. Birthright acquisition of Portuguese nationality of individuals covered by article 1(1)(a), (b) and (f) is proven by the birth certificate.
2. An individual is deemed a Portuguese national if his birth certificate does not mention the foreign nationality of the parents or ignorance thereof.
3. Birthright acquisition of nationality of individuals covered by article 1(1)(c) is proven, as is the case, by the indications contained in the birth certificate drawn up by inscription in the Portuguese civil registry or by the registration of Statement that the assignment depends on.
4. Birthright acquisition of nationality of individuals covered by article 1(1)(d) is proven by the birth certificate mentioning the Portuguese birth of one of the parents and his residence in the national territory.
5. Birthright acquisition of nationality of individuals covered by article 1(1)(e) is proven by registration of the statement that the assignment depends on.

Contains changes to the following laws:

- Organic Law No. 2/2006, of 17/04

See earlier versions of this article:

- 1st Version: Law No. 37/81, of 03/10

Article 22
Proof of acquisition and loss of nationality

1. Acquisition and loss of nationality are proven by the respective registers or by the consequent endorsements at the side of the birth certificate.
2. Paragraph 1 of the preceding article shall apply to proof of acquisition of nationality by adoption.

Article 23
Opinions of the registrar of the Central Registry

The registrar of the central registry is tasked with issuing an opinion on any issues of nationality, namely those that must be submitted thereto by consular officers in case of doubt about the Portuguese nationality of the applicant of registration or consular enrolment.

Article 24
Certificates of nationality

1. Irrespective of the existence of the record, the registrar of the central registry may issue, upon request by the applicant, certificates of Portuguese nationality.
2. The evidentiary force of the certificate may be objected, by any means, whenever there is no record of the nationality of the respective holder.

CHAPTER III
Nationality litigation

Article 25
Legitimacy

Directly affected parties and the Public Prosecutor have legitimacy to appeal any acts relating to the assignment, acquisition or loss of Portuguese nationality.

Article 26

Applicable law

In general terms, the Statute of the Administrative and Tax Courts, the Code of Procedure of Administrative Courts and other complementary legislation apply to the litigation of nationality.

Contains changes to the following laws:

- Organic Law No. 2/2006, of 17/04

See earlier versions of this article:

- 1st Version: Law No. 37/81, of 03/10

TITLE III

Conflicts of laws on nationality

Article 27

Conflicts of Portuguese and foreign nationality

If anyone has two or more nationalities and one of them is Portuguese, only the latter is relevant under Portuguese law.

Article 28

Conflicts of foreign nationalities

In positive conflicts of two or more foreign nationalities, only the nationality of the state in whose territory the multinational citizen has his usual residence or, failing that, the state with which he maintains a closer link is relevant.

TITLE IV

Transitional and final provisions

Article 29

Acquisition of nationality by adopted individuals

Those adopted by Portuguese nationals, before the entry into force of this law, may acquire Portuguese nationality upon statement.

Contains changes to the following laws:

- Organic Law No. 2/2018, of 05/07

See earlier versions of this article:

- 1st Version: Law No. 37/81, of 03/10

Article 30

Acquisition of nationality by a woman married to a foreigner

1. A woman who, under Law No. 2098, of July 29th, 1959, and previous legislation, has lost Portuguese nationality by effect of marriage, acquires it:
 - a) Provided that the definitive registration of the loss of nationality has not been drawn up, unless she declares that she does not wish to acquire Portuguese nationality;
 - b) Upon statement, when the definitive registration of the loss of nationality has been drawn up.
2. Without prejudice to the validity of the legal relations previously established on the basis of another nationality, the acquisition of Portuguese nationality in accordance with the preceding paragraph shall take effect from the date of marriage, irrespective of the date on which the fact was entered in the Portuguese civil registry.

Contains changes to the following laws:

- Organic Law No. 1/2004, of 15/01

- Organic Law No. 2/2018, of 05/07

See earlier versions of this article:

- 1st Version: Law No. 37/81, of 03/10

- 2nd Version: Organic Law No. 1/2004, of 15/01

Article 31 **Previous voluntary acquisition of foreign nationality**

1. Those who, under Law No. 2098, of July 29th, 1959 and previous legislation, have lost Portuguese nationality by effect of voluntary acquisition of foreign nationality, acquire it:
 - a) Provided that the definitive registration of the loss of nationality has not been drawn up, unless they declare that they do not wish to acquire Portuguese nationality;
 - b) Upon statement, when the definitive registration of the loss of nationality has been drawn up.
2. In the cases referred to in the preceding paragraph, the provisions of articles 9 and 10 shall not apply.
3. Without prejudice to the validity of the legal relations previously established on the basis of another nationality, the acquisition of Portuguese nationality in accordance with paragraph 1 shall take effect from the date of acquisition of foreign nationality.

Contains changes to the following laws:

- Organic Law No. 1/2004, of 15/01

See earlier versions of this article:

- 1st Version: Law No. 37/81, of 03/10

Article 32 **Naturalisation imposed by a foreign State**

It is the competence of the South-Central Administrative Court to rule on the loss or maintenance of Portuguese nationality in cases of naturalisation directly or indirectly imposed by a foreign State on residents in its territory.

Contains changes to the following laws:

- Organic Law No. 2/2006, of 17/04

See earlier versions of this article:

- 1st Version: Law No. 37/81, of 03/10

Article 33 **Registration of nationality changes**

Registration of changes in nationality by effect of marriage or by voluntary acquisition of a foreign nationality in accordance with the preceding law shall be drawn up on the authority's own motion or at the request of the affected parties, being mandatory for the purposes of identification.

Article 34 **Acts whose registration was not compulsory by the previous law**

1. The acquisition and loss of nationality resulting from acts whose registration was not compulsory under the previous law continue to be proven by record or documents proving the acts that they depend on.
2. For purposes of identification, proof of these acts is made by the respective record or consequent endorsements to the birth certificate.

Article 35 **Production of legal effects for acts previously not subject to registration**

1. The effects of nationality changes dependent on acts or facts not necessarily subject to registration under the previous law shall be deemed produced from the date of verification of the acts or facts that have determined them.
2. Exempted from the provisions of the preceding paragraph is loss of nationality on the basis of the voluntary acquisition of a foreign nationality, which continues to take effect on third parties under private-law relations

only, provided that it is registered and from the date thereof.

Article 36 **Pending proceedings**

(Revoked.)

Contains changes to the following laws:

- Organic Law No. 2/2006, of 17/04

See earlier versions of this article:

- 1st Version: Law No. 37/81, of 03/10

Article 37 **Birth certificates of children of non-Portuguese individuals (exclusively)**

1. In the certificates of births occurring in the Portuguese territory, after entry into force of this law, of children of non-Portuguese, mention should be made, as an element of identity of the applicant, of the foreign nationality of their parents or ignorance thereof, unless any of the parents were born in the Portuguese territory and have residence here.
2. Where possible, applicants must submit a document proving the reference that must be made under the terms of the preceding paragraph, in order to demonstrate that none of the parents is of Portuguese nationality.

Contains changes to the following laws:

- Organic Law No. 2/2006, of 17/04

See earlier versions of this article:

- 1st Version: Law No. 37/81, of 03/10

Article 38 **Birth certificates of Portuguese parents or adopters subsequent to the registration of the birth of a foreigner**

1. When affiliation is established subsequently to the registration of the birth of a foreigner born in the Portuguese territory or under Portuguese administration or when their adoption is decreed, the judicial ruling or act which that established or decreed them and the notice thereof for endorsement of the birth certificate will mention the nationality of the Portuguese parents or adopters.
2. The reference mentioned in the preceding paragraph shall also, as an element of identification of the person registered, be included in the endorsement of establishment of affiliation or adoption to be included at the side of the birth certificate.
3. When affiliation is established, after the registration of birth, of a foreigner born in the national territory, the judicial ruling or the act that has established it, and the notice thereof for endorsement of the birth certificate will mention of the origin of the foreign parent, born in the Portuguese territory, as well as their residence at the time of birth.

Contains changes to the following laws:

- Organic Law No. 2/2006, of 17/04

See earlier versions of this article:

- 1st Version: Law No. 37/81, of 03/10

Article 39
Transitional regulation

(Revoked.)

Contains changes to the following laws:

- Organic Law No. 2/2006, of 17/04

See earlier versions of this article:

- 1st Version: Law No. 37/81, of 03/10

Article 40
Derogation provision
Law No. 2098 of July 29th, 1959 is hereby repealed.